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Attorneys for Plaintiff
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION.

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8- foot long fishing vessel, her engines,
tackle, furniture, apparel, etc., *in rem*, and
Does 1-10,

Defendants.

And Related Counterclaims

Case No.: CV 07-02952 WHA

**JOINT REQUEST FOR
STIPULATED EXTENSION OF
DISCOVERY CUT-OFF**

The parties jointly submit this request to the Court that it approve an extension to the
lay discovery deadline until January 31, 2008. The current cut-off for non-expert discovery is
January 11, 2008. The parties have stipulated to the extension.

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I. BASES FOR THIS REQUEST

The parties believe good cause exists to extend the discovery cut-off until January 31, 2008 for the following reasons:

1. The parties believe they may be able to narrow the issues in this case based on information obtained at the deposition of defendant Barry Cohen, which is currently scheduled to take place next *Wednesday, January 9, 2008*, two days before the discovery cut-off.
2. The narrowing of the issues contemplated by the parties may substantially reduce the scope of the defendants' planned production of approximately 50 boxes of documents, as well as the scope of the plaintiff's subsequent inspection of those documents. The document production had been tentatively scheduled to take place tomorrow, Friday, January 4, 2008 in Avila Beach, California. Extending the discovery cut-off will allow the document production to go forward, if necessary, after Barry Cohen has been deposed next week.
3. Defendant Barry Cohen's sons, Michael and Leonard, are currently scheduled to be deposed tomorrow in San Luis Obispo, California. Information learned at Barry Cohen's deposition, however, may obviate the need for the sons' depositions entirely, or at least limit their scope. Extending the discovery cut-off will allow the sons' depositions to be re-scheduled until after Barry Cohen has been deposed next week, if needed.
4. Mr. Walsh, counsel for defendants, will be out of the country from January 14 through January 18, 2008.
5. Inclement weather is expected throughout northern California tonight and through the weekend, which would make traveling to the San Luis Obispo tomorrow for the depositions and document production/inspection difficult.
6. There have been no other requests to extend any other deadlines in this case.

II. AUTHORITY

Pursuant to the Court's Case Management Order ("Order") dated September 5, 2007,

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the deadline for non-expert discovery is January 11, 2008. Declaration of Max L. Kelley (“Kelley Dec.”), **Exhibit 1**, ¶¶ 4, 5. Paragraph 12 of the Order also requires prior Court approval before the parties may stipulate around the discovery cut-offs set by the Order.

III. REQUEST FOR DISCOVERY CUT-OFF EXTENSION BASED ON GOOD CAUSE

Plaintiff has noticed the depositions of Michael and Leonard Cohen, the sons of defendant Barry Cohen, for tomorrow, Friday, January 4, 2008 in San Luis Obispo, California. Kelley Dec., **Exhibit 2**. Plaintiff has also noticed the deposition of defendant Barry Cohen for next Wednesday, January 9, 2008. *Ibid.* at **Exhibit 3**. Additionally, plaintiff was informed on January 2, 2008, that defendants intend to produce approximately 50 boxes of documents in Avila Beach, California, in response to plaintiff’s F.R.C.P. Rule 34 requests for production of documents. *Ibid.* at ¶ 5. As Michael and Leonard Cohens’ depositions would be going forward in San Luis Obispo on January 4, 2008, plaintiff intended to utilize another attorney to inspect the defendants’ documents on the same day. *Ibid.* at ¶ 6.

After counsel for the parties met and conferred, however, it was agreed that information obtained from Barry Cohen at his deposition next week might limit the plaintiff’s request for documents and the subsequent production and inspection thereof, and might also significantly limit the scope of the Cohen sons’ depositions. *Id.* at ¶ 7. That being the case, it makes sense to wait until after Mr. Cohen has been deposed next week, before following with the sons’ depositions and the document production. The deadline for non-expert discovery, however, is Friday, January 11, 2008 and the parties will be in Arizona that day to depose defendant Chris Cohen. *Id.* at **Exhibit 3**. Therefore, in order to allow the parties sufficient time to schedule the depositions of Michael and Leonard Cohen and the document production/inspection *after* Mr. Cohen is deposed next week, the parties have stipulated to extend the non-expert discovery cut-off until January 31, 2008. The stipulation is attached hereto as **Exhibit A**.

Additionally, allowing the parties to re-schedule the depositions and document production after Mr. Cohen’s deposition next week will allow the parties to forgo traveling to

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San Luis Obispo tonight and/or tomorrow and back in inclement weather. Kelley Dec., ¶ 8.

Based on the foregoing reasons, and because Mr. Walsh will be out of the country from January 14 through January 18, 2008, the parties have agreed to an extension of the non-expert discovery cut-off until January 31, 2008, and have so stipulated. *Id.* at ¶ 9.

IV. CONCLUSION

For the reasons discussed above, the parties believe good cause exists for approving their request to extend the lay discovery cut-off.

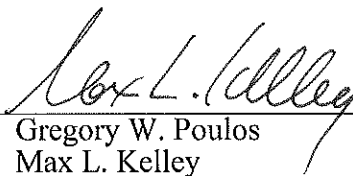
Respectfully submitted,

Dated: January 3, 2008

Dated: January 3, 2008

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DAVIS WRIGHT TREMAINE LLP
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LOMA FISHING COMPANY, INC.

By: 
Gregory W. Poulos
Max L. Kelley

By: /s/
James P. Walsh

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**STIPULATION TO EXTEND NON-
EXPERT DISCOVERY CUT-OFF**

**TO ALL PARTIES, THEIR ATTORNEYS OF RECORD, AND THIS HONORABLE
COURT:**

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1 Having met and conferred and believing good cause exists, the parties, through their
2 attorneys of record, hereby stipulate to extend the deadline for non-expert discovery in this
3 case. The current deadline for the close non-expert discovery is January 11, 2008. The
4 parties hereby agree to extend that deadline until *January 31, 2008*, pending the approval of
5 this Court.
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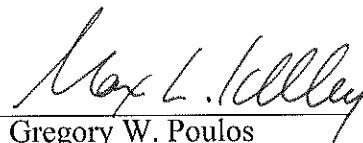
7 Dated: January 3, 2008

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12
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Gregory W. Poulos
Max L. Kelley

By:

/s/

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